

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

ALICIA WHITE,)
c/o Fraternal Order of Police)
242 West 29th Street)
Baltimore, Maryland 21211)

And)

WILLIAM PORTER)
c/o Fraternal Order of Police)
242 West 29th Street)
Baltimore, Maryland 21211)

Plaintiffs,)
vs.)

Civil No.: MJG-16-2663

MARILYN MOSBY)
c/o Office of State's Attorney)
120 East Baltimore Street)
Baltimore, Maryland 21202)

AND)

MAJOR SAMUEL COGEN, e)
c/o Baltimore City Sheriff's Office)
250 City Hall)
Baltimore, Maryland 21202)

And)

STATE OF MARYLAND)
Serve on:)
Nancy Kopp, Treasurer)
Louis L. Goldstein Treasury Building)
80 Calvert Street, Room 109)
Annapolis, MD 21401)

Defendants.

)
)

PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

NOW COMES Plaintiffs Alicia White and William Porter (hereinafter "White" and "Porter" respectively, or "Plaintiffs"), by and through their attorneys Michael E. Glass, MBA, Esq., and Tony Garcia, Esq., and for the reasons set forth below, moves for leave to file an Amended Complaint and in support thereof states as follows:

1. Defendant served its Motion to Dismiss ("Motion") on or about July 18, 2016.
2. Per a Consent Motion to Extend the Time to Response and this Court's Order, Plaintiff's time to file a responsive pleading to the Motion to Dismiss extends until August 19, 2016. *See* FRCP 15(a)(1)(B) and FRCP 6(d).
3. FRCP 15(a)(1)(B) states that "A party may amend its pleading once as a matter of course ... if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier".
4. As Plaintiff can amend by right leave is technically unnecessary but in an abundance of caution Plaintiff seeks leave from the Court.
3. Simultaneously herewith, Plaintiff has filed a Response to Defendant's Motion to Dismiss that states Plaintiff will file an Amended Complaint and Defendant's Motion to Dismiss will become moot.
4. Pursuant to Federal Rule of Civil Procedure 15, Plaintiff respectfully moves the Court for Leave to file an Amended Complaint, a copy of which is attached hereto along with a redline version of the changes.

5. The Amended Complaint refers to the same transaction and underlying events set forth in the Complaint, alleges minimal additional facts, and adds Counts XI - XIII. These counts stand for claims of malicious prosecution, abuse of process, and civil conspiracy. The Amendment's purpose is merely to modify the Counts in light of Defendant's Motion to Dismiss.

7. No prior motion for leave to file an amended complaint has been previously filed by the Plaintiff in this Court.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court grant their motion and such other relief as justice may require.

Date: September 1, 2016

Respectfully submitted,

/s/
Tony Garcia, Esq.,
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Attorney for Alicia White and William Porter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this September 1, 2016, a copy of the foregoing Motion, Order, and clean and stricken Amended Complaint were served, via first class mail, postage prepaid, and via the Court's electronic filing system on:

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_____/s/ Tony Garcia_____,
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